SHORT NOTICE QUESTION AND ANSWER FOR THE MEETING OF THE ASSEMBLY TO BE HELD ON THURSDAY THE 3RD APRIL 1941.

QUESTION AND ANSWER.

Press Communique dated the 10th February 1941 and the Travancore State Congress.

MR. KANNANTHODATH JANARDANAN NAIR With reference to the Communique issued by Government on 10th February 1941—

(*a*) Will the Government be pleased to state whether they are aware that a Malayalam version of it has been widely distributed among the people throughout the State thereby creating the impression that the Government are opposed to the organisational efforts of the Travancore State Congress; and

(*b*) does the communique indicate any departure from the Government attitude towards the Travancore State Congress enunciated by the Dewan-President in the Assembly on 22nd January 1941?

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR: (*a*) No.

(*b*) No.

LEGISLATIVE BUSINESS.

THE TRAVANCORE DISTRICT MUNICIPALITIES BILL—(contd.)

Clause 10.

PRESIDENT: We were at Mr. P. S. Muhamed's amendment to Clause 10.

MR. P. N. NILAKANTA PILLAI (*Coopted*): I oppose the amendment. The existing provision is more salutary than the proposed amendment to elect a non-councillor as Chairman. They are at liberty as per the present provision to elect a councillor as well as a non-councillor as they like. If the councillors are very particular to elect a non-councillor they are at liberty to do so.

PRESIDENT: Order, order. It is hoped that the honourable members will try as far as possible to finish discussions and consideration today. Otherwise there will be a lot of delay. It is important that this Bill should come into force having regard to many circumstances as honourable members are all familiar with. I therefore invite the honourable members not to look up to any other point but to curtail their remarks.

MR. P. N. NILAKANTA PILLAI: It is better not to accept this amendment. Therefore I oppose the amendment.

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MR. N. V. JOSEPH (*Veenachil* cum *Thodupuzha*) : I oppose the amendment. The honourable member stated that the existing provision which allows a non-councillor to be elected as Chairman will give rise to several abuses. But I ask whether these abuses are not excessively due to the present system. Even if the president is confined to the councillors abuses will still continue. A councillor who aspires to become a president can set up his own nominees to stand for his ward. However it is always welcome the possibility of getting the best man available for presidentship. Ordinarily such men will not offer themselves to submit at once to Munici-pal President elections much less in a ward election. Therefore every attempt should be resorted to keep people of character leadership and of administrative experience. Therefore I oppose the amendment.

MR. P. S. MUHAMED : ഈ മോഷൻ ഞാൻ ഇവിടെ അവതരിപ്പിച്ചതു് മുനിസിപ്പൽ കൗൺസിലിൽ പ്രസിഡൻറായി വരുന്നതിനു ഏറ്റവും യോഗ്യതയുള്ള ആളുകളെ ലഭിക്കാതിരിക്കുന്നതിനു വേണ്ടിയല്ല. മുനിസിപ്പാലിറ്റികൾ ജനപ്രതിനിധാനത്തിനു അടിസ്ഥാനം ഇട്ടുന്ന ഒരു സ്ഥാപനമാണെന്നും ആ നിലക്കു ജനങ്ങളുടെ സ്നേഹത്തേയും വിശ്വാസത്തേയും കരസ്ഥമാക്കാനുള്ള മനസ്ഥിതിയില്ലാത്ത സ്വേച്ഛാധികാരികളെയല്ലാ അവിടെ പ്രതിഷ്ഠിക്കേണ്ടതെന്നും ഗവണ്മെൻറിനെ മനസ്സിലാക്കുന്നതിനു വേണ്ടിയാണു് ഞാൻ ഈ ഭേദഗതി കൊണ്ടുവന്നതു്. മുനിസിപ്പൽ പ്രസിഡൻറന്മാരാകാൻ ആഗ്രഹിക്കുന്നവർ മിക്കവരും ജനങ്ങളുടെ ഇടയിൽ പോയി അവരുടെ സ്നേഹവും പരിചയവും സമ്പാദിക്കുവാനുള്ള പരിശീലനം സിദ്ധിക്കാത്തവരാണു്. ആ നിലയും ശോഭനമായിട്ടുള്ളതുമല്ല. തൽക്കാലനിലക്കു ബില്ലിലെ ഇപ്പോഴത്തെ വ്യവസ്ഥ അംഗീകരിക്കുന്നതാണെങ്കിലും, ഭാവിയിൽ ഈ നില തുടർന്നുകൊണ്ടുപോകുന്നപക്ഷം, അതായതു്, ഫ വോട്ടുകൾ ഉണ്ടെങ്കിൽമാത്രമേ ഒരാളിനേയും ഫ വോട്ടുകൾ സമ്പാദിച്ചാൽ മതിയെന്നു വിചാരിക്കുന്ന ആ ഒരു നില തുടർന്നുകൊണ്ടു പോകുന്നപക്ഷം ഈ ബില്ലുകൊണ്ടു് ഗവണ്മെൻറു ഉദ്ദേശിക്കുന്നതു തന്നേയും സാധിക്കുമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല. എന്നാലും ജനപ്രതിനിധാനത്തെ ആദരിച്ചു ഇന്നല്ലെങ്കിൽ നാളെ ഈ ഒരു വ്യവസ്ഥ നടപ്പിൽ വരുത്തേണ്ടതാണു്. അതുകൊണ്ടു് ഇപ്പോൾ ഞാൻ ഇതു പ്രസ്സു് ചെയ്യുന്നില്ല.

The amendment was by leave withdrawn.

Clauses 10 to 12.

The question that clauses 10 to 12 do stand part of the Bill was put and carried. Clauses 10 to 12 were added to the Bill.

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Clause 13.

MR. R. SIVARAMAKRISHNA AIYAR (*Coopted*): Sir, I may be allowed to move the following amendment to clause 13 of which I have given notice already—

"In Clause 13, sub clause (8), for the words "who are in active Government or Municipal service," the following words shall be substituted ;—

"Who have the prescribed qualifications and proper experience in the administration of local bodies."

Sir, in the present Bill the appointment to the posts of Commissioners is restricted to those who are in active Government or Municipal service alone.

PRESIDENT: Would the honourable member consider the possibility of moving an amendment in these words—

"Who have the prescribed qualifications and experience"

MR. R. SIVARAMAKRISHNA AIYAR: I accept the suggestion of the Chair.

MR. PUTHUPALLI S. KRISHNA PILLAI: I also accept it. The question that clause 13, sub-clause (8), for the words "who are in active Government or Municipal service" the words "who have the prescribed qualifications and experience" shall be substituted, was put and carried

The question that clause 13 as amended was put and carried.

Clause 13, as amended, was added to the Bill.

Clauses 14 to 35.

The question that Clauses 14 to 35 do stand part of the Bill was put and carried.

Clauses 14 to 35 were added to the Bill.

Clause 36.

In Clause 36 Sub-clause (1), line 1, insert the words 'the Peishkar" add the words "if so directed by Government"

MR. P. S. MUHAMED (*Quilon cum Kottarakkara*): ഈ ബിൽ പാസാക്കുന്നതിൽ അനുദ്യോഗസ്ഥ പക്ഷത്തുള്ള പലർക്കും ഒരു ഭയം തോന്നിയിട്ടുണ്ട്. അതായത്, മുൻപില്ലാത്തതരത്തിൽ, മുനിസിപ്പാലിറ്റിക്കു ഉണ്ടായിരുന്ന പല അധികാരങ്ങളും ഈ ബിൽ മുഖേന പേഷ്ക്കാർക്കു കൊടുത്തിട്ടില്ലെ, എന്നു സംശയിക്കേണ്ടിയിരിക്കുന്നു. അല്പസ്വല്പമായി മുനിസിപ്പാലിറ്റിയെ സംബന്ധിച്ച് പേഷ്ക്കാരന്മാർക്കു ഏതെങ്കിലും തരത്തിൽ അധികാരങ്ങൾ കൊടുക്കുന്നതിൽ എനിക്കു വിരോധമില്ല. എന്നാൽ ഏതെങ്കിലും മുനിസിപ്പൽ സ്ഥാപനം പേഷ്ക്കാരന്മാരുടെ സബാർഡിനേറ്റ് സ്ഥാപനമായി തരത്തക്കവിധത്തിലൊ, അതിലെ പ്രവർത്തനങ്ങൾ, തഹശിൽദാർ, പാർവത്യകാർ മുതലായവരുടെ പ്രവർത്തനങ്ങളോട് തുല്യമായനിലയിൽ പേഷ്ക്കാരുടെ കീഴ്വരുതിയിൽ ആയിത്തീരുകയെ

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ചെയ്യത്തക്കവണ്ണമുള്ള ഒരു നിലയിൽ ഈ ബിൽ പാസാക്കുന്നതു് ഒരിക്കലും ശിയാണെന്നു ഞാൻ വിചാരിക്കുന്നില്ല. ജനപ്രതിനിധാനത്തെ ആദരിച്ചു ഏർപ്പെടുത്തപ്പെട്ടിട്ടുള്ള ഇത്തരം സ്ഥാപനങ്ങൾ കേവലം ഒരു ഉദ്യോഗസ്ഥന്റെ അധീനതയിൽ ആക്കുന്നതും ശരിയല്ല. ഗവണ്മെന്റിനു ഇതിനെല്ലാം അധികാരങ്ങളുണ്ടു്. ഗവണ്മെന്റു ഒരു ഉദ്യോഗസ്ഥനെ അയച്ചു പരിശോധിക്കണമെന്നോ മറ്റൊ വിചാരിക്കുന്നപക്ഷം പേഷ്ക്കാർ അധികാരങ്ങൾ വിനിയോഗിക്കുന്നതിൽ എനിക്കു വിരോധമില്ല. അല്ലാതേ കണ്ടമാനം അവർ അങ്ങോട്ടുമിങ്ങോട്ടും സർക്കീട്ടു പോകുമ്പോൾ ഈ ആഫീസുകളിൽ ചാടിക്കേറി ചെന്നു് അവരുടെ അധികാരങ്ങൾ അവിടെ കാണിച്ചുകൂട്ടയാമെന്നുള്ള ഒരു നില അവർക്കു കൊടുത്തുകൂടാത്തതാകുന്നു. തഹശീൽദാരന്മാരും പ്രവർത്തികാരന്മാരും തങ്ങളുടെ പുറകെ വരണമെന്നു വിചാരിക്കുന്നതുപോലെ, മുനിസിപ്പൽ ഉദ്യോഗസ്ഥന്മാരും തങ്ങൾക്കു കീഴ്പ്പെട്ട പിന്നാലെ നടന്നുകൊള്ളണമെന്നുള്ള ഒരു നിലയും മുനിസിപ്പൽ പ്രവർത്തനങ്ങൾക്കു് ശോഭനമായിട്ടുള്ളതല്ല. ചുരുക്കിപ്പറയുന്നപക്ഷം ഗവണ്മെൻറിനു ആവശ്യമെന്നു തോന്നുന്ന സന്ദർഭങ്ങളിൽമാത്രം ഏതെങ്കിലും ഒരു ഉദ്യോഗസ്ഥനെക്കൊണ്ടു—അതിനുപറ്റിയ ഉദ്യോഗസ്ഥൻ പേഷ്ക്കാരാണെന്നുഞാൻ സമ്മതിക്കുന്നു—അന്വേഷണം നടത്തിപ്പിക്കുന്നതിൽ എനിക്കു യാതൊരു വിരോധവുമില്ല.

PRESIDENT : Order, order. What is the real objection to that?

MR. P. S. MAHAMED: എന്നാൽ പേഷ്ക്കാരന്മാർക്കു് ഇന്നു... .....

PRESIDENT : According to you, there is the possibility of arbitrary exercise of authority by the Peishkar?

MR. P. S. MAHAMED : പേഷ്ക്കാർ സർക്കീട്ടായി ആലപ്പുഴെ വന്നുഎന്നിരിക്കട്ടെ. ഉടൻതന്നെ മുനിസിപ്പൽ ആഫീസിൽ കയറിചെന്നു തഹശീൽദാരന്മാരുടെ താലൂക്കു കച്ചേരിയും പാർവത്യകാരന്മാരുടെ പ്രവർത്തികച്ചേരിയേയും പരിശോധിക്കുന്നതുപോലെ, മുനിസിപ്പൽ ഉദ്യോഗസ്ഥന്മാരുടെ ആഫീസുകളെ പരിശോധിക്കുകയും അവരെ പുറകെ നടത്തിക്കുകയും മറ്റും ചെയ്യുന്ന ഒരു രീതിയായിരിക്കും അവർക്കു അധികാരങ്ങൾ കൊടുത്താൽ ഉണ്ടാകുന്ന ഫലങ്ങൾ. അങ്ങിനെയുള്ള രീതികളെയാണു ഞാൻ ബലമായി എതിർക്കുന്നതു്. അതിനാൽ ഈ കാര്യങ്ങളെപ്പറ്റി ഗവണ്മെൻറു വേണ്ട വിധം പ്രവർത്തിക്കണമെന്നു അപേക്ഷിച്ചുകൊള്ളുന്നു.

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PRESIDENT: According to you, supposing there is some little dispute about a market or other place, Government will have to order the Peishkar to go and see the place ?

MR. P. S. MUHAMED: Yes.

MR. M. SIVATHANU PILLAI (*Tovala* cum *Agastisvaram*): I wish to second the motion. According to the present Act, Peishkars are not empowered to demand any records from the council unless they have sanction to get the records by the Government.

PRESIDENT: I had my own difficulty about sub clause (1). In sub clause (2) you find the words— " if authorised by Government in that behalf. So that, calling for returns or recording observations, all these require the initiative of Government. In regard to sub clause (1) as it is, the Peishkar may enter or inspect any immovable property on his own initiative. It is there that the honourable members wants the previous authorisation or initiative of Government.

MR. M. SIVATHANU PILLAI: Quite so Sir. We are only willing to welcome the Peishkar provided he has got something to do and gives previous intimation to the Government for permission for so doing. With such permission from Government he can inform the council of it. Otherwise what business has the Peishkar to go there, enter or inspect immoveable property belonging to the municipality.

PRESIDENT: Is it considered a real evil ?

MR. M. SIVATHANU PILLAI: Certainly he will be an intruder there. So far as our experience goes, nobody will aspire to the place of Municipal Chairman if the Peishkar is given this power. What is the purpose to be served by his inspecting immoveable property without purpose by showing which alone the Government may think of giving him permission to enter or inspect them.

MR. D. C. JOSEPH (*Nominated*); Sir I oppose the amendment moved by Mr. P. S. Muhamed. If the Municipality is doing satisfactory work, the presence of the DivisionPeishkar will not interfere with the work of that Municipality. After all when troubles arise or when there is mismanagement in the Municipal Council, we have to appeal to the Government and to their officers to interfere and why should my friend the ex-Municipal President be afraid of the very presence of the officer who is indispensable in that locality ? The Municipality exists for the good of the people and if it does good and satisfactory work, it has nothing to be afraid of the Peishkar. So I strongly oppose this amendment as it is out of place and as I think that the presence of any Government authority is rather welcome.

MR. KAINIKKARA M. PADMAHABHA PILLAI: Sir, I also support the motion.

PRESIDENT: Order, order. I did not realise that there was this kind of feeling. I think there is no harm in having the same provision as the one we have in the next clause, namely, " if authorised in this behalf. " Have you any objection to it, Mr. Legal Remembrancer ?

MR. PUTHUPALLI S. KRISHNA PILLAI: I have no objection to it, Sir.

PRESIDENT: Then will you make the necessary change ?

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MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, Sir. The motion is that in Clause 36, sub-clause (1), after the words "the Peishkar" the following shall be inserted, namely :

"If so authorised in this behalf by Our Government."

MR. P. S. MUHAMED : Sir, I accept this amendment.

The amendment was put to vote and carried.

The question that Clause 16, as amended, do stand part of the Bill was put and carried.

Clause 36, as amended, was added to the Bill.

Clauses 37 to 48.

The question that Clauses 37 to 48 do stand part of the Bill was put and carried.

Clauses 37 to 48 were added to the Bill.

Clause 49.

MR. C. JEBAMONY NADAR : Sir, I move the amendment standing in my name. The effect of the amendment would be acceptance of Franchise.

"In Clause 49, delete sub-clause (1) (b) and reletter sub-clause c) as (b)".

I am sure that no one here will deny that the country is ripe for franchise. I am also aware that there is no legislation here or in British India which has accepted this principle of adult franchise. But the fact that there is no precedent should not stand in the way of a progressive legislature. Want of precedent either here or in any other country is no bar and I hope this argument will not be applied against my amendment. Of course the amendment itself is not directed towards any legal or other defect and, as such, I think the Legal Remembrancer will not oppose it.

In this respect, the present Bill is not to be viewed as a progressive one, for under the existing rule a graduate as such, is entitled to vote. But this Bill treats a graduate produced by our University as not a fit person for exercising the right of a voter. The implication is no credit to the New Travancore University. I should think that it is no credit to our State not to recognise educational qualifications and entirely ignore cultural merits. On the other hand a man possessing some animals or buildings is qualified for a vote. That is how the clause stands. In other words possession of carts, animals and buildings give any man the status of a voter but not the highest educational qualification.

PRESIDENT : The possession of a degree may not improve Municipal administration, but bulls or bullock-carts might.

MR. C. JEBAMONY NADAR : Any man could possess inanimate objects.

MR. PUTHUPALLI S. KRISHNA PILLAI: If that is the member's object, then why not he withdraw his motion and concentrate upon the next amendment of Mr. S. Sivaramakrishna Aiyar? That enables a graduate to be included as a voter.

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MR. C. JEBAMONY NADAR: I want to go further than that. My position is that a person can be disqualified to be an elector only if he is of unsound mind, a deaf-mute or a leper, provided he has completed his 21st year and resided within the municipality for the required period. Every sane and healthy adult must have this right.

PRESIDENT: Will not that enlarge that electorate tremendously?

MR. C. JEBAMONY NADAR: Yes, Sir. But the number will not be large. In the case of a general election to the Legislature there may be some difficulties, but in the case of a Municipality there may not be any large electorate.

MR. PUTHUPALLI S. KRISHNA PILLAI: Is such a franchise now enjoyed in British India?

MR. C. JEBAMONY NADAR: It is not recognised in British India. I began my speech with that statement.

PRESIDENT: Yes, he said that. The real trouble will arise when the Councillor has to visit his constituents and canvass support. Having had some experience in the matter, I may say that it took me many months to visit all the rate-payers of the Madras City who had property qualifications. If every one who is 21 years of age and has resided within the Municipality for 120 days is included the electorate will be tremendously enlarged. Speaking from personal experience I can say that it is not an easy job to visit all the members, if something like adult franchise is introduced.

MR. C. JEBAMONY NADAR: A large number of people will be eliminated by the test of 120 days and 21 years of age. I do not think therefore that the number of electors will be very considerable.

MR. M. R. NARAYANA PILLAI I second the amendment.

MR. P. S. MUHAMED: സർ, ഞാൻ ഈ ഭേദഗതിയെ എതിർക്കുന്നു. അടൽട്ട് ഫ്രാൻചയിസ് മുനിസിപ്പാലിറ്റികളിൽ ഏർപ്പെടുത്തുന്നതു വളരെ നല്ലതുതന്നെ. എന്നാൽ അതിന്റെ പ്രായോഗികമായ വശങ്ങൾ കൂടി നോക്കേണ്ടതായിട്ടുണ്ട്. ഒരു മുനിസിപ്പാലിറ്റിക്കു തിരഞ്ഞെടുപ്പു വിഷയത്തിൽ എന്തുമാത്രം ചിലവു ചെയ്യാൻ സാധിക്കുമെന്നാണ് ഒന്നാമതായി നോക്കുവാനുള്ളതു. ജനങ്ങളുടെ ആരോഗ്യപരമായ കാര്യങ്ങൾക്കു ചിലവിടേണ്ടതിൽ വളരെ കൂടുതലായ സംഖ്യ തിരഞ്ഞെടുപ്പിനായി ചിലവാക്കേണ്ടതായി വന്നേയ്ക്കും. തിരഞ്ഞെടുപ്പിനുള്ള ചിലവു ഗവൺമെൻറല്ല മുൻസിപ്പാലിറ്റി വേണം നടത്താൻ.

MR. M. R. NARAYANA PILLAI: മുനിസിപ്പാലിറ്റിയിലുള്ള പണം ചെലവാക്കേണ്ടതു് ആരാണെന്നു തീർച്ച ചെയ്യേണ്ടതു മുനിസിപ്പാലിറ്റിയല്ലേ?

MR. P. S. MUHAMED: അതെ, എന്നാൽ ഫ്രാൻചയിസ് വർദ്ധിപ്പിച്ചാൽ ഇന്നത്തെ ഇലക്ഷൻ ചെലവുകളിൽനിന്ന് ഇരുപതിരട്ടി പണം ഇലക്ഷനായി ചെലവാക്കേണ്ടിവരും. അതായതു് വോട്ടേഴ്സ്

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കൂട്ടംതോറും പോളിംഗ് സ്റ്റേഷനുകളും അതിലേക്കുള്ള ഉദ്യോഗസ്ഥന്മാരും ഐഡന്റിഫിക്കേഷൻ ആഫീസറന്മാരും എല്ലാംവർദ്ധിപ്പിക്കേണ്ടതായി വരും. അങ്ങിനെ വരുമ്പോഠം പൊതുജന ഉപയോഗത്തിനു പണം ചെലവാക്കാൻ മുനിസിപ്പാലിറ്റിയെക്കൊണ്ടു സാധിക്കാതെ വന്നേക്കും. ഇപ്പോൾ ൬ ൦ ൦ വോട്ടറന്മാരിൽ കൂടുതലുള്ള ഒരു വാർഡുമില്ല. അതു കൊണ്ട് ഇന്നത്തെനിലയ്ക്ക് ഒരു പോളിംഗ് സ്റ്റേഷൻ മതിയാകും.

മുനിസിപ്പാലിറ്റിക്കു പണം ഉണ്ടാക്കുന്നതിനുള്ള വിഷമം അവക്കു മാത്രമെ അറിയാവൂ.

MR. M. R. NARAYANA PILLAI : പൊതുജനങ്ങളുടെ അഭിപ്രായം അനുസരിച്ച് തിരഞ്ഞെടുപ്പു നടത്തുകയല്ലേ നല്ലത് ?

MR. P. S. MUHAMED : അതു മുനിസിപ്പാലിറ്റിയിൽ മാത്രമല്ല എവിടെയും അനുസരണീയം തന്നെയാണ്.

അതുകൊണ്ടു ഈ ഭേദഗതിയെ എതിർക്കുക തന്നെചെയ്യുന്നു.

MR. P. N. NILAKANTA PILLAI : I oppose the amendment.

(*The Deputy President took the Chair.*)

The Municipal Council is mainly run with the aid of funds raised from the rate-payers, so that in the administration of such funds, as a matter of principle, only rate-payers should be allowed to have a voice.

Therefore I oppose the motion.

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN : Sir, I support the motion. I support the motion mainly on two grounds. In the first place when we are attempting to improve on the existing Municipal administration our aim should be to extend the franchise as much as possible rather than curtailing it. Another ground on which I support the motion is that the introduction of adult franchise is the only method for the final solution for vexed question of giving adequate representation to all communities in the matter of the municipal administration of the State.

My friend Mr. P. S. Muhamed attempted to point out certain practical difficulties for the introduction of adult franchise in municipal elections. He said that the number of voters if adult franchise is introduced will be very high, according to him it may go up to 15,000. Now, Sir, according to the latest census we have got a population of about 60 lakhs. But in all the 16 Municipalities together of the State the total population is only 3,66,570. Taking for granted that the major municipalities have about 20 electoral wards and the minor municipalities about 10 electoral wards, on an average in all the District Municipalities together we will have 230 electoral wards.

MR. KAINIKKARA M. PADMANABHA PILLAI : Is it the member's idea that for every member there must be a separate ward.

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MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: Yes, that is what is provided for in the Bill. So, if the 3½ lakhs of people are distributed among the 230 wards there will be only about 1500 people in one ward. Of this, according to the amendment persons who are below 21 years of age and others who have not resided for not less than 120 days within the municipality will have to be eliminated. Then the total number of electors in each ward will only be from 700 to 800.

MR. KAINIKKARA M. PADMANABHA PILLAI: Is the calculation of average a sufficient standard for judging the strength of any particular municipality?

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: For a rough estimate calculation of average is sufficient.

MR. KAINIKKARA M. PADMANABHA PILLAI: Does the member think that the average will be correct? For Kuzhithura the number may be small, while in Nagercoil the number may be large.

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN That is why I said that the major municipalities may be taken as divided into 20 wards and the minor municipalities 10 wards.

MR. KAINIKKARA M. PADMANABHA PILLAI: May I ask whether average is a practical standard?

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: Yes. For a rough idea of the matter it may be accepted as a practical standard.

MR. KAINIKARA M. PADMANABHA PILLAI: Suppose in the Nagercoil Municipality the number exceeds 20,000 and in Kuzhithura the number is 5000. How will the member obviate the difficulty?

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: I shall try to classify the position by quoting the actual figures.

MR. KAINIKKARA M. PADMANABHA PILLAI: Will the member send some of the voters from Kuzhithura to Nagercoil?

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: No, that is not necessary. If the honourable members will patiently leave me I shall explain my position.

MR. KAINIKKARA M. PADMANABHA PILLAI: Then how can the average be worked?

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: Sir, according to the recent census the population of the Nagercoil Municipality is 51,603 and that of the Kuzhithura Municipality which in point of population is the smallest of our municipalities is 8851. We will take it that there are 20 electoral divisions at Nagercoil. If the total population of that municipality is distributed among the 20 electoral wards the number in each ward will be only about 2500; of these even if adult franchise is introduced the number of voters to be enrolled will not go above 1000. If calculated on the same basis the position of Kuzhithura will be much easier. My honourable friend Mr. P. S. Muhamed also raised an objection that if all these elections are to take place simultaneously much difficulty will have to be encountered by the municipal authorities. I for one am unable to understand that position. Elections in various municipalities take place at different times and in every ward it could so be arranged to conduct the elections on different dates.

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The position that in British India they have not yet introduced the system of election based on adult franchise for election to municipal councils cannot be advanced as an argument for not accepting that system in Travancore which is far advanced and much more enlightened both in literacy and in civilization. Here literacy has registred a percentage of 47·6 in the decade against 28·9 per cent. in the last census. Taking the municipal areas the percentage of literacy has even gone up to 75, so that in my humble opinion the best place where the system of election based on adult franchise could very safely be introduced is the municipal areas.

Sir, the one baffling and all important question which awaits solution before us is how to give representation to all communities in the municipal councils. My amendment regarding the reservation of seats in the municipal councils, when it came up for discussion before this House, was opposed by some of the honourable members of this House on the ground that it was against all nationalistic principles and that it would mitigate against all the canons of democratic practice. The question was also put to some of the Ezhava members why should the Ezhava community which undoubtedly is one of the major communities in the State should fight for special rights instead of standing for their fundamental rights. Now, Sir, we are asking for our fundamental rights and I believe that no staunch nationalist or well disciplined democrat will oppose this amendment. With these words I support the amendment.

MR. K KUNJU PANICKER: Sir, I support the amendment. Our ideal and aspiration is that adult franchise should be introduced in the legislatures also. Before such an attempt is made we can try our chance in the Municipalities, from which we can more or less find out the convenience and inconvenience of such a system. Municipality is a limited area where generally we find a larger proportion of the educated and enlightened people residing. Even the so called illiterate persons of a Municipality can get enlightened guidance easily and utilise their votes in a very intelligent way. Municipality is the best arena where we can experiment adult franchise without great risks. In other countries, we know, that the experiment has been conducted in municipal areas and such experiments were found to be very successful.

MR. P. S. MUHAMED: മേലെ എവിടെയാണ്?

MR. K. KUNJU PANICKER: In the Colombo Municipality for example. There are other places also. We find that the adult franchise is the system adopted for parliamentary election in all democratic countries in Europe.

MR. KAINIKKARA M. PADMANABHA PILLAI: May I know in which European country you can find democratic form of Government?

MR. K. KUNJU PANICKER: Those countries are now at war with totalitarian countries; till now democracy was their accepted ideal. The war is going on between two great ideals. Whenever possible we try to manage things by the voice of the majority. I submit that the

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[Mr. K. Kanju Panicker.]

majority voice should not be shut out by any artificial arrangement. Under the present Bill it is provided that only tax payers shall vote. A large number of people residing in a Municipality are prohibited from voicing out their opinion by this artificial arrangement. I submit that this is a very bad way of courtailing a citizen's liberty. I do not think that there is any justice to bar the introduction of the adult franchise in the municipal areas.

MR. KAINIKKARA M. PADMANABHA PILLAI: May I know the objection in allowing people below 21 years of age to vote?

MR. K. KUNJU PANICKER: Because they are not of mature understanding they cannot well balance their opinion to decide which way they should vote.

MR. KAINIKKARA M. PADMANABHA PILLAI: May I know whether a Graduate of the University aged 19 or an illiterate cooli aged 50 can better exercise his voting power?

MR. K. KUNJU PANICKER: In my view the Graduate.

MR. KAINIKKARA M. PADMANABHA PILLAI: What is the normal age for graduating?

MR. K. KUNJU PANICKER: 19 to 21.

MR. KAINIKKARA M. PADMANABHA PILLAI: What is the minimum age prescribed by the University?

MR. K. KUNJU PANICKER: Even before 19 one can get himself graduated.

MR. KAINIKKARA M. PADMANABHA PILLAI: Then may I suggest to put down the age limit of voters to 19?

MR. K. KUNJU PANICKER: I would submit that what is put down here is 21 years and that is a proper age limit.

MR. KAINIKKARA M. PADMANABHA PILLAI: May I know the reason for that?

MR. K. KUNJU PANICKER: Probably because it is at the age of 21 that one attains matured and balanced understanding and be in a position to exercise his voting power intelligently.

MR. KAINIKKARA M. PADMANABHA PILLAI: By age does one reach intellectual maturity or sexual maturity?

MR. K. KUNJU PANICKER: Both sexual and intellectual maturity.

MR. KOTTALIL P. ABRAHAM: What is the age prescribed for the attainment of majority?

MR. K. KUNJU PANICKER: 18.

MR. M. L. JANARDANAN PILLAI: Sir, municipalities are now generally carried on almost entirely by the taxes collected within the municipal areas.

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MR. M. SIVATHANU PILLAI: May I know whether Government do not contribute grants to the municipalities?

MR. M. L. JANARDANAN PILLAI: Very little now-a-days. But if any commercial activities are carried on within a municipal area those are taxed by the municipality concerned. And it will be found on a careful examination that about 80 per cent. of the income derived by a municipality comes from this kind of taxation. If we adopt this amendment the position comes to this: Taxes are realised from a certain exclusive set of people residing in the municipality and by the adoption of the adult franchise the utilisation of the income thus derived by a municipality will be effected according to the wishes of those people who may not rightly represent the taxpayers. That will be the final result. From an experience of the Municipal Councils in Travancore for the last twenty years I can say that the stuff which ordinarily comes in as Municipal Councillors is such that many are not even conversant with the provisions of municipal laws. That is the position with regard to many municipalities at present. I do not think that anybody would question the correctness of this observation. Therefore whatever may be the ultimate aim in adopting adult franchise without any taxation basis in so far as the municipal councils are concerned I am of the opinion that only those who pay some tax should have the right to vote. With these words I oppose the amendment.

MR. K. R. NARAYANAN: ഞാൻ ഈ ഭേഗതിയെ അനുകൂലിക്കുന്നു. ഈ ബില്ല് ർ-ാംവകുപ്പ് ു-ാംഉപവകുപ്പുംപ്രകാരം മുനിസിപ്പാലിറ്റിയെ സൃഷ്ടിക്കുന്നതിനും, മുനിസിപ്പാലിറ്റികളെ നിലത്തൽ ചെയ്യുന്നതിനും മറും ആ മുനിസിപ്പൽ അതിർത്തിയിൽ താമസിക്കുന്ന ആളുകൾക്ക് അവകാശമുണ്ടെന്നു വ്യവസ്ഥചെയ്തിരിക്കുന്നു. അങ്ങിനെ വ്യവസ്ഥ ചെയ്യുന്നതിനുശേഷം ആ മുനിസിപ്പൽ അതിർത്തിയിൽ താമസിക്കുന്ന ഒരു പൗരന് ഒരു കൗൺസിലറെ വോട്ടു ചെയ്യുന്നതിനുള്ള അവകാശം ഇല്ലെന്നു പറയുന്നതുതന്നെ ഒരു പ്രധാനമായ വാദതടസ്സമാണ്. രണ്ടാമതു മുനിസിപ്പാലിറ്റികൾ സ്ഥാപിച്ചിരിക്കുന്നതുതന്നെ ജനകീയഭരണത്തിന്റെ പരിശീലനത്തിനായിട്ടാണ്. അങ്ങിനെ സ്ഥാപിച്ചിട്ടുള്ള മുനിസിപ്പാലിറ്റികളിൽ വിശേഷിച്ചും, തിരുവിതാംകൂറിന്റെ ഇന്നത്തെ നിലയ്ക്കു പ്രായപൂർത്തിവോട്ടവകാശം ഏർപ്പെടുത്തി പരീക്ഷിക്കേണ്ട കാലം അതിക്രമിച്ചിരിക്കുന്നു. ഇവിടത്തെ നിയമസഭകളുടെ ഫ്രാഞ്ചൈസ തന്നെ ഒരുപക്ഷേ പ്രായപൂർത്തിവോട്ടവകാശം ആയി സ്വീകരിച്ചാൽ എന്താണെന്ന് പലയാളുകൾക്കും അഭിപ്രായമുള്ള ഈ കാലത്തു മുനിസിപ്പാലിറ്റികളിലെങ്കിലും പ്രായപൂർത്തിവോട്ടവകാശം ഒരു പരീക്ഷണം എന്ന നിലയിലെങ്കിലും ഏർപ്പെടുത്തി അതിന്റെ വിജയപരാജയങ്ങളെ തുലനംചെയ്തു പരിശോധിക്കുവാനുള്ള ഒരു സന്ദർഭം ഉണ്ടാക്കിക്കൊടുക്കേണ്ടതു് അപരിത്യാജ്യമായിട്ടാണിരിക്കുന്നതു്.

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[Mr. K. R. Narayanan.]

മൂന്നാമത്തു് എനിക്കു പറയുവാനുള്ളതു് മുനിസിപ്പാലിറ്റികം അതായതു അതിർത്തികഠംക്കകത്തു താമസിക്കുന്നവർക്കുവേണ്ടി നിയമം നിർമ്മിക്കുന്ന ഒരു സ്ഥാപനം ക്രൂടിയാണു്. ഒരു മുനിസിപ്പൽ അതിത്തിക്കകത്തു പാവങ്ങളും കാണും, ധനവാന്മാരും കാണും. ധനവാന്മാക്കു മുനിസിപ്പാലിറ്റിയുടെ സാഹചര്യങ്ങഠം ഇല്ലെങ്കിൽത്തന്നേയും അവർക്കു ജീവിക്കുന്നതിനു വലിയ പ്രയാസമുണ്ടാകയില്ല. എന്നാൽ പാവങ്ങളുടെ നില അതല്ല. പാവങ്ങളുടെ കാര്യത്തിൽ മുനിസിപ്പാലിറ്റികഠം കൂടുതൽ ഇടപെടാൻ താൽപര്യം കാണിക്കണമെങ്കിൽ കൗൺലിലറന്മാരുടെ തിരഞ്ഞെടുപ്പിൽ അവർക്കുംകൂടി പംകുണ്ടായിരിക്കണം. ഏതു മുനിസിപ്പാലിറ്റി എടുത്താലും ധനവാന്മാരേക്കാളും, മദ്ധ്യസ്ഥവത്തികളേക്കാളും കൂടുതൽ കാണുന്നതു് പാവങ്ങളെയാണു്. ആ വീക്ഷണകോണത്തിൽകൂടി നോക്കിയാലും പ്രായപൂത്തിവോട്ടവകാശം ആവശ്യമാണു. ലോകത്തു എവിടെയെങ്കിലും പ്രായപൂത്തിവോട്ടവകാശത്തോടുകൂടിയ മുനിസിപ്പാലിറ്റികഠം ഉണ്ടോ എന്നു ഇവിടെ ചിലർ ചോദിക്കുകയുണ്ടായി. പ്രായപൂത്തിവോട്ടവകാശം ഏർപ്പെടുത്തിയിട്ടുള്ള കൊളമ്പിലെ ഒന്നുരണ്ടു മുനിസിപ്പാലിറ്റികഠം ഞാൻതന്നെ കണ്ടിട്ടുണ്ടു്. അതു ഏർപ്പെടുത്തിയതുകൊണ്ടു് സുഖമാണൊ അസുഖമാണൊ ഉണ്ടായിട്ടുള്ളതെന്നു ഞാൻ അന്വേഷിക്കുകയും ചെയ്തിട്ടുണ്ടു്. എന്റെ അറിവു്, കൂടുതൽ സുഖത്തിനും ജനക്ഷേമത്തിനും അതു വർദ്ധിക്കും അതു ഉപകരിക്കുമെന്നാണു്. വാദത്തിനുവേണ്ടി ഒരിടത്തും പ്രായപൂത്തിവോട്ടവകാശം ഏർപ്പെടുത്തിയിട്ടില്ലെന്നു തന്നെ വയ്ക്കുക. എവിടെയെങ്കിലും ക്ഷേത്രപ്രവേശനം കൊടുത്തുകഴിഞ്ഞതിനുശേഷമാണൊ തിരുവിതാംകൂറിൽ അതു പരീക്ഷിച്ചു നോക്കിയതു്? തിരുവിതാംകൂറിനെപ്പോലെ പരിഷ്കാരവും വിദ്യാഭ്യാസവും സംസ്കാരാഭിവൃദ്ധിയുമുള്ള ഒരു രാജ്യത്തു പ്രായപൂത്തിവോട്ടവകാശം ഏർപ്പെടുത്തുന്നതു്, അതു നല്ലതാണൊ എന്നു അയൽപക്കത്തു പരീക്ഷിച്ചുനോക്കി അറിഞ്ഞതിനുശേഷമെ ആകാവൂ എന്നു പറയുന്നതു കേവലം ബാലിശമായ വാദംതന്നെയാണു്. ഈ കാരണങ്ങളാൽ ഈ ഭേദഗതിയെ അനുകൂലിക്കുന്നു.

MR. A. K. KUMARAN VAIDYAN: സർ, ഈ ഭേദഗതിയെ ഞാൻ അനുകൂലിക്കുന്നു. തിരുവിതാംകൂറിൽ അനേകകാലമായി പ്രജായത്തഭരണം നടപ്പിൽ വരുത്തിത്തരണമെന്നു് ജനങ്ങഠം മുറവിളി കൂട്ടിക്കൊണ്ടിരിക്കയാണു്. അതുകൊണ്ടു മുനിസിപ്പാലിറ്റികളിലെങ്കിലും പ്രായപൂത്തിവോട്ടവകാശം ഏർപ്പെടുത്തേണ്ടതു് അത്യാവശ്യമാണു്. അയൽരാജ്യ

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മായ കൊച്ചിയിൽ കുറേക്കാലമായി പ്രായപൂർത്തി വോട്ടവകാശത്തോടുകൂടിയ ഗ്രാമപ്പഞ്ചായത്തുകൾ ഏർപ്പെടുത്തിയിട്ടുണ്ട്. അവിടെ കാര്യങ്ങൾ വളരെ കൃത്യമായും ജാഗ്രതയായും നടത്തപ്പോരുന്നുണ്ട്. എപ്പോഴാണോ പ്രായപൂർത്തി വോട്ടവകാശം ഏർപ്പെടുത്തുന്നതു അപ്പോൾ മാത്രമേ പാവങ്ങളുടെ കായ്ത്തെപ്പറ്റി മുനിസിപ്പാലിറ്റികൾ ശ്രദ്ധിക്കുകയുള്ളൂ. മുനിസിപ്പാലിറ്റികൾക്കു എന്തെങ്കിലും നികുതി കൊടുത്തിരുന്നാൽതന്നെയും പാവങ്ങളുടെ കായ്ത്തെപ്പറ്റി ഇപ്പോൾ മുനിസിപ്പാലിറ്റി ശ്രദ്ധിക്കുന്നില്ല. അതുകൊണ്ടു പ്രായപൂർത്തി വോട്ടവകാശം മുനിസിപ്പാലിറ്റികളിൽ ഏർപ്പെടുത്തുന്നതുതന്നെ രാജ്യത്തിനു ശോഭനമായ ഒരു ഭാവി ഉണ്ടാക്കിത്തീർക്കുന്നതാണ്. മഹാരാജാവു തിരുമനസ്സിലെ ക്ഷേത്രപ്രവേശനവിളംബരത്തിന്റെ പിന്നിലുള്ള ഉദ്ദേശം നാം എല്ലാവരും യോജിപ്പോടും സൗഹാർദ്ദത്തോടുകൂടിയും വർത്തിക്കണമെന്നുള്ളതാണല്ലൊ.? ആ ഉദ്ദേശത്തിനെ ആദരിച്ചുകൊണ്ടു നോക്കുകയാണെങ്കിലും പ്രായപൂർത്തി വോട്ടവകാശം മുനിസിപ്പാലിറ്റികളിൽ ഏർപ്പെടുത്തേണ്ടതാണ്. ജനാധിപത്യഭരണത്തിൽ വിശ്വസിക്കുന്ന ബഹുമാനപ്പെട്ട മെമ്പറന്മാർ ഇതിനെ എതിർക്കയില്ലെന്നു വിശ്വസിക്കുന്നു.

MR. T. C. KESAVA PILLAI: ഞാൻ ഈ ഭേദഗതിയെ എതിർക്കുന്നു. പ്രായപൂർത്തി വോട്ടവകാശം അനുവദിക്കുന്നതു ശരിയല്ല. വോട്ടവകാശം സാധാരണയായി നിർണയിക്കപ്പെടുന്നതു സമ്മതിദായകർ കൊടുത്തനികുതിയെ ആസ്പദമാക്കിയാണ്. ഒരു രൂപ കരം കൊടുക്കുന്നവന്നു നിയമസഭയിൽ വോട്ടുചെയ്യാമെന്നു വ്യവസ്ഥചെയ്തിരിക്കുന്നു. മുനിസിപ്പാലിറ്റിയുടെ കാര്യം പറഞ്ഞാൽ അവിടത്തെ വോട്ടേഴ്സിന്റെ ലിസ്റ്റുതന്നെ പല കുഴപ്പങ്ങളിലാണ്. പ്രായപൂർത്തി വോട്ടവകാശം ഏർപ്പെടുത്തുന്നപക്ഷം കുഴപ്പങ്ങൾ വർദ്ധിക്കുകയേയുള്ളൂ. തിരഞ്ഞെടുപ്പുകാലത്തു ഒരു വാർഡിലുള്ള ആളുകൾ മറ്റൊരു വാർഡിൽചെന്നു വോട്ടു കൊടുത്തു എന്നും വരാം. പ്രായപൂർത്തിയെ പരിഗണിച്ചു അവരുടെ ഒരു ലിസ്റ്റു് എടുക്കുന്നതിനും വലിയ വിഷമമായിത്തീരും. കായ്ക്ഷമതക്കും അതു ഹാനികരമാണ്. അതിനാൽ ഞാൻ ഈ ഭേദഗതിയെ എതിർക്കുകതന്നെ ചെയ്യുന്നു.

MR. PUTHUPALLI S. KRISHNA PILLAI: I oppose the motion Sir. Very recently this House was called upon to discuss a similar problem. The City Municipal Bill was presented to this House and it was this House that considered and passed that Bill. I am surprised to see that some of the honourable members of this House come forward with the proposal that in the Corporation the franchise may be restricted to the payment of any tax but in the mofussil Municipalities every person should be entitled to exercise his franchise.

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MR. M. R. NARAYANA PILLAI: Are we not entitled to change our opinion?

MR. PUTHUPALLI S. KRISHNA PILLAI: One can change his opinion as often as the chamilion changes his colour. I ask whether it was not within the last 3 months that we said that in the Corporation of Trivandrum a qualification for a voter shall be the payment of any tax to the Municipality. Now Mr. Jebamony Nadar proposes that every person resident in a Municipality shall be entitled to a vote. If that is the case let us take the example of the Kottayam Municipality. They have now put up a house there for the purpose of housing the beggers in the town, Now imagine the position if all the people living in that building are allowed to exercise their franchise. I can understand a man owning a bullock cart drawn by a single bullock becoming a voter. He comes under the Act and is entitled to vote because he is a person who contributes at least 7 Chs. a year to the Municipality. It is the money contributed by the rate payer that provides the amenities to the person who does not pay. The person who contributes must have the control of the purse. The Bill therefore provides that who pays any tax under Clauses (a), (b), (c), or (d), shall be entitled to vote. If the present amendment is adopted Municipal administration will tend to become worse.

In places where adult franchise is granted persons living in workhouses and asylums for the aged and the infirm are given only certain restricted franchise. Without any such safeguard, it is not possible to extend the franchise to all adults and of all places a mofussil municipality is not the best place to give the system a trial however laudable such an attempt may be. As an ideal the system may be good, but in practical politics there is very little to support it.

MR. P. SIVARAMA PILLAI: Is a person living in a particular house in Kottayam entitled to have any voice in the policy of the municipality according to section 4 of the Act.

MR. PUTHUPALLI S. KRISHNA PILLAI: No Sir. If we are to decide the question whether a municipality should exist or should not exist purely on the representations made by the beggars in this country then we do not deserve a municipality at all. It is better to throw away the bill if that is the way the members are going to view this important measure, I emphasise the point Sir, that it is very unwise to start adult franchise in mofussil municipalities. In British India as I said there is no adult franchise in municipalities. Payment of tax is the first criterion.

MR. M. SIVATHANU PILLAI: What has the member to say with regard to the principle of adult franchise apart from the question of payment of tax.

MR. PUTHUPALLI S. KRISHNA PILLAI: Adult franchise is an ideal. To say that it should be started in mofussil municipalities is going too far.

MR M. SIVATHANU PILLAI: Does the honourable Member know anything about the franchise exercised in Ceylon?

MR. PUTHUPALLI S. KRISHNA PILLAI: I am sorry I am not in a position to say anything about that.

I therefore oppose the amendment, Sir.

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DEPUTY PRESIDENT: Mr. Jebamony Nadar, do you want to add anything.

MR. C. JEBAMONY NADAR: Sir, I would press the amendment and I also wish to say a word or two in answer to certain arguments advanced by my learned friends. One point urged was in order that a person should become a voter, he must pay a tax to the Municipality. I would invite the attention of the Honourable Members that such a principle has not been recognized in the Bill. No "tax" qualification has been prescribed for the Chairman. Sub-clause (1) (b) of Clause 49 reads "he has been assessed in such preceding year to any tax payable under Clause (a), (b), (c), or (d) of section 77 to the Municipality or any tax to Our Government or is a retired, pensioned or discharged officer'. So Government officers whether they are rate payers to the Municipality or not are entitled to be electors.

Another argument advanced by my friend Mr. P. S. Muhamed was that there would be considerable difficulty in conducting elections if adult franchise comes into force. Of course he being an experienced Ex-President of a Municipality, I have great respect for him, but I am sure that those persons who come forward as Presidents would also possess, necessary capacity and energy to conduct successfully the elections in the Municipalities over which they preside. These are, moreover petty difficulties which can easily be overcome. As for the argument based on precedents, in a case of this nature we should not look for precedents. After all, precedents are necessary where there is no originality. If there is sufficient originality and initiative in us we need not go in for precedents.

Another argument of the Legal Remembrancer was that this question was not raised when the City Municipal Act was debated. I am coming from a mofussil municipality. Certainly it is not a case of estoppel. We as Legislators can alter the law at any time if so required in the interests of the public. Therefore the fact that there is no provision in the City Municipal Act for adult franchise is no ground whatsoever why adult franchise should not be provided for in this Bill which is a subsequent legislation. In these days of democracy, equality and freedom is it not a valid demand that suffrage is exercised by every person? Why not extend that right to all those who have got a voice in the administration of Municipal Government? It is an experiment worth trying. Why should we make a difference between a beggar and an official or a beggar and a rich man; all have equal right to live.

MR. KAINIKARA M. PADMANABHA PILLAI: Is that a difference that is made by us?

MR. C. JEBAMONY NADAR: Yes. Certainly, it is a difference made by man and not by God. A beggar must be given all possible amenity. That should be the aim of Government, that should be the aim of every Municipality. As for a rich man he can with his own funds, enjoy all luxuries. But it is the poor man who is always suffering and unheard And he requires the helping hand and co-operation of a rich man.

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MR. KAINIKARA M. PADMANABHA PILLAI: If there is no difference between a beggar and a rich man, why should a rich man support him?

MR. C. JEBAMONY NADAR: My friend the Legal Remembrancer was saying that because certain people are housed in a particular building in Kottayam they should not be entitled to vote.....

MR. KAINIKARA M. PADMANABHA PILLAI: If the member's position is that there is no difference between a rich man and a beggar, then why should a rich man support a beggar?

MR. C. JEBAMONY NADAR: They are changing circumstances in human life.

MR. KAINIKARA M. PADMANABHA PILLAI: Are they changes after all from a beggar to a rich man?

MR. C. JEBAMONY NADAR: Such changes take place Sir. In Tamil "poverty" is known as ஏழ்மை and riches as செல்வம் and these words mean ஏழ்மை and செல்வம். That is to say that penury and riches are not permanent but are only passing stages.

I am unable to accept any of the arguments advanced by any of my learned friends against the amendment. So I press the motion.

The amendment was put to vote and declared lost.

(At this stge the House rose for lunch.)

The House resumed sitting after lunch at 2 P. M. with the Deputy President in the Chair.

New member.

Mr. P. S. Kuppuswami Aiyar was sworn in.

The Travancore District Municipalities Bill. *(contd.)*

MR. SIVARAMAKRISHNA AIYAR: I move that.

"In Clause 49, sub clause (1) (b), after the words 'Travancore State Forces' the words 'or a graduate of any recognised University' shall be inserted."

Sir, after the speech of the Legal Remembrancer I feel quite diffident to talk about this subject. Still I wish to talk. The graduates according to Act V of 1095 are enabled to be voters to Municipal Councils. But now that privilege in the new Bill has been taken away. It is not fair. In the Bill itself it is not stated in Clause 49 (1) (b) that those who pay taxes to the Municipalities are alone entitled for vote. Here there are other persons also included *e. g.*, those who pay taxes to the Government.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I submit that if the House has no objection, I have no objection in accepting the amendment.

The amendment was put to vote and declared carried.

The question that Clause 49, sub clause (1) (b) as amended stand part of the Bill was put to vote and carried.

Clause 49, sub-clause (1) (b) as amended was added to the Bill.

MR. R. SIVARAMAKRISHNA AIYAR: Sir, I move that,

"In Clause 49, sub-clause (1) (c) after the words preceding year" the full stop shall be omitted and the following words shall be inserted: "and has paid in such preceding year the taxes, if any, due by him under clauses (a), (b) (c) and (d) of section 77".

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According to this Bill if a person is assessed for tax, then he becomes a voter. That is not proper. If a person has not paid taxes he becomes a defaulter. It is not fair to allow defaulters to be voters. Therefore my amendment may be accepted.

MR. P. N. NILAKANTA PILLAI: I second the motion.

MR. P. S. MUHAMMED: I oppose it.

(At this stage the President occupied the Chair.)

MR. P. S. MUHAMMED : അസസ് ചെയ്കയാണെങ്കിൽ ഡ്യൂസ് കൊടുക്കേണ്ട തീയതി വരുന്നതിനു മുമ്പു ലിസ്റ്റു തയ്യാറാക്കണ്ടേ?

MR. PUTHUPALLI S. KRISHNA PILLAI : പ്രീവിയസ്സ് ഇയ്യറിലെ കരം അസസ് ചെയ്യലും നോട്ടീസു കൊടുത്തശേഷം അതു കൊടുക്കാതിരിക്കയും ചെയ്യുന്നവെങ്കിൽ അങ്ങിനെയുള്ളവരെ ചേർക്കാതിരിക്കുന്നതിനുള്ള പ്രൊവിഷൻ ഇതിൽവരും

PRESIDENT: Yes Mr. Legal Remembrancer.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, if the motion is passed I find that there is no provision in the amendment that failure should be after a demand made by the Municipality. The voters list is to be prepared in accordance with the information the municipalities get in the matter. This is prepared in the first three months of the current year and the right of voters to come into the voters list is based on payment of all taxes due for the previous year. The learned member says that will have no objection if the words are suitably amended. If the amendment proposed by the honourable member is passed the whole clause will have to be re-cast. I submit that there is no harm in accepting the provision as it is.

MR R. SIVARAMAKRISHNA AIYAR: I do not press the motion, since there is so much objection to my amendment. I withdraw the motion.

The motion was by leave withdrawn.

The question that Clause 49 as amended stand part of the Bill wa put to vote and carried.

Clauses 50 and 51.

The question that Clauses 50 and 51 stand part of the Bill was put to vote and carried.

The Clauses were added to the Bill.

Clause 52.

MR. P. S. MUHAMMED: I move that in clause 52 delete sub-clause (i) (b) (vii) and renumber sub-clause (viii) as sub-clause (vii).

ഈ ക്ലാസ്സു കൊണ്ടുവരുന്നതു ഒരാളിന്റെ കീഴിൽ ശമ്പളക്കാരായി ജോലിചെയ്യുന്നവർക്കു മുതലാളിയെപ്പോലെയുള്ള അവകാശം സിദ്ധിക്കാൻ നിവൃത്തിയില്ലെന്നാണ്. മുതലാളിയും ശമ്പളക്കാരനും ഒരു മുനിസിപ്പാലിറ്റിയിൽ മെമ്പർമാരായിരുന്നതുകൊണ്ടു ദോഷമൊന്നും വരാനില്ല.

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[Mr. P. S. Muhammed.]

അച്ഛനും, മകനും, ഭാര്യയും, ഭർത്താവും മുനിസിപ്പാലിറ്റിയിൽ ഒന്നാകാം. ആ സ്ഥിതിക്കു ഒരു ഫോമിലുള്ള ജോലിക്കാരുടെ സ്വാതന്ത്ര്യത്തെ തടയുന്ന ഇപ്രകാരമുള്ള ഒരു വകുപ്പു വച്ചുകൊണ്ടിരിക്കുന്നതു ശരിയല്ല. അതുകൊണ്ടു അതെടുത്തുകളയണമെന്നു ഞാൻ അപേക്ഷിക്കുന്നു.

PRESIDENT: Order, Order. The principle is sound, but it is very difficult to apply it in practice. Supposing for instance there is a big bank where there is a Director and also a Cashier. If the Cashier is there, the Director is not there. If the Director is there, the Cashier is not there.

MR. PUTHUPALLI S. KRISHNA PILLAI: I have no objection to accepting the proposed amendment.

The amendment was put to vote and declared carried.

The question that Clause 52 as amended do stand part of the Bill was put to vote and declared carried.

PRESIDENT: Clause 52 as amended was added to the Bill.

Clause 53.

MR. PUTHUPALLI S. KRISHNA PILLAI: I move that in Clause 53, delete sub-clause (i) (g) and re-letter the succeeding sub-clause.

MR. C. KUMARA DAS: I second.

The amendment was put to vote and declared carried.

The question that Clause 53 do stand part of the Bill was put to vote and carried. Clause 53 as amended was added to the Bill.

Clauses 54 to 67.

The question that Clauses 54 to 67 do stand part of the Bill was put to vote and declared carried.

Clauses 54 to 67 were added to the Bill.

Clause 68.

MR. R. SIVARAMAKRISHNA AIYAR: I move that the following shall be inserted as sub-clause (5) of Clause 68:

> "Any such officer may for misconduct or neglect of duty be fined or suspended by Our Government on the recommondation of the Chairman."

Now here in the Bill, the Health Officer, the Engineer, the Electrical Engineer are to be appointed by the Council and they shall be removed only upon a resolution of the Council *i. e.*, for removal a resolution should be passed, and sent to Government for necessary action. Suppose these officers do not behave well and do not carry out the orders of the Chairman. Then there should be some power given to the Chairman to report to Government if such officers do not behave properly. Otherwise they will not respect the Chairman.

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PRESIDENT : Naturally, Government will pay special heed to any suggestion from a Chairman that certain officers are misconducting themselves and that they should be fined or suspended. Government have, of course, the right to fine or suspend these people. That is granted. But in exercising that right they may do it *suo motu* or on the advice of somebody else. But they are not likely to do it so readily at their own initiative as on the initiative of somebody else. What is the need for this amendment?

MR. R. SIVARAMAKRISHNA AIYAR : Otherwise nobody will care for the Chairman.

PRESIDENT: There can be no controversy that these people can be fined or suspended by Government and it is not proposed that they should be fined or suspended by anybody else. If that is so, naturally the Chairman's voice will prevail with the Government. I do not think there is any need for the amendment.

MR. T. C. KESAVA PILLAI: If there are 22 members in a Municipality of whom 20 are on one side and the Chairman and another member are on the other side, and a resolution is passed by the majority, Government will respect only the resolution. But Mr. Sivaramakrishna Aiyar wants that the views of the Chairman, who may be very unpopular and in the minority, to be respected.

PRESIDENT: I do not think the amendment is necessary, Mr. Sivaramakrishna Aiyar.

MR. R. SIVARAMAKRISHNA AIYAR : I withdraw my amendment.

The amendment was, by leave, withdrawn.

The question that Clause 68 do stand part of the Bill was put and carried.

Clause 68 was added to the Bill.

Clause 69.

MR. R. SIVARAMAKRISHNA AIYAR : Sir, I move that Clause 69 shall be amended as follows :

"Save as provided in Sections 13 and 68, appointments to all posts under the Municipal Council shall be made (a) by the chairman if the pay or the maximum pay of those posts exceeds fifty rupees per mensem.

(b) by the executive authority in all other cases, but subject to any rules (including rules for the representation of different communities which Our Government may make on this behalf)."

According to the Bill all appointments which carry a salary of fifty rupees and above will have to be made by a committee consisting of the chairman, the commissioner and one member elected by the council. The change sought to be made by my amendment is that that power should be given to the chairman. Otherwise some trouble will arise. While the commissioner has the power of appointment, the chairman has no power of appointment. There are four grades of appointments one by Government, another by the council, another by a committee consisting of the chairman, the commissioner and a member elected by the council and the fourth by the commissioner. But the chairman has no independent power of appointment. To keep up the prestige of the chairman at least the power of appointment in regard to posts carrying a salary of fifty rupees and more should be given to the chairman.

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MR. P. S. MUHAMED: I second it.

MR. PUTHUPALLI S. KRISHNA PILLAI: I have no objection to accept the amendment provided it is put in some other form. The mover proposes to recast the whole clause which is unnecessary. All that he wants is that the power of appointment should be with the chairman and not with the committee mentioned in the Bill. If that be so, for the words 'shall be by a committee consisting of the chairman, the commissioner and one member elected by the council" the words "shall be made by the chairman" shall be substituted. That may be the form in which the amendment may be put.

MR. R. SIVARAMAKRISHNA AIYAR: I accept the amendment of the Legal Remembrancer.

The amendment of Mr. R. Sivaramakrishna Aiyar as further amended by the Legal Remembrancer was put to vote and declared carried.

The question that Clause 69, as amended, do stand part of the Bill was put and carried.

Clause 69, as amended, was added to the Bill.

Clauses 70 to 140.

The question that Clauses 70 to 140 do stand part of the Bill was put and carried.

Clauses 70 to 140 were added to the Bill.

Clause 141.

MR. P. S. MUHAMED:

In clause 141, sub-clause (3), Explanation (d), delete "tanks in or near temples, churches and mosques".

മാസ്ക്കിലും, ചർച്ചിലും, ക്ഷേത്രങ്ങളിലും വെള്ളം ആവശ്യം തന്നെയാണ്. അവിടെ ആരാധനക്കു വരുന്ന ജനങ്ങൾക്കു ആവശ്യമുള്ള വെള്ളം ഗവണ്മെൻറും മുനിസിപ്പാലിറ്റിയുംകൂടി ഉണ്ടാക്കിക്കൊടുക്കുകയാണ് വേണ്ടതു്. എന്നാൽ അതിനു വേണ്ടിയുള്ള സൗകര്യങ്ങളും അനുവദിക്കപ്പെട്ടുകയില്ലെന്നു പറയുന്നതു ശരിയല്ല. ഏതു വിടെയെങ്കിലും ഒരു സ്ഥലത്തു ഒരു യോഗം കൂടുന്നപക്ഷം അവിടെ വെള്ളം ഉണ്ടാക്കിക്കൊടുക്കുന്നതിനു ഗവണ്മെൻറും മുനിസിപ്പാലിറ്റിയും തയ്യാറാകുന്നതു കണ്ടിട്ടുണ്ടു്. എന്നാൽ ഇവിടെ എന്താണ് ആ സൗകര്യം കൊടുക്കുകയില്ലെന്നു പറയുന്നതു്?

MR. PUTHUPALLI S. KRISHNA PILLAI: The explanation to the Clause says that this is not a domestic purpose.

PRESIDENT: On the other hand, Section 141 gives almost a direction. It is one of the main duties of the municipality.

MR. PUTHUPALLI S. KRISHNA PILLAI: It is one of the obligatory duties of the municipality to supply water for domestic purposes.

PRESIDENT: Assuming that this comes within the domestic purpose, most of the municipalities cannot discharge their obligations.

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MR. PUTHUPALLI S. KRISHNA PILLAI: It will be left to their discretion if water is available. Otherwise there will be sufficient water in tanks near temples, churches and mosques and no water for the inhabitants to drink. That is the difficulty, and that is why this exemption has been made.

PRESIDENT: There are certainly tanks practically in all temples and mosques. But I do not see how these can be included.

MR. P. S. MUHAMED: Sir, I withdraw the amendment.

The amendment was, by leave of the House, withdrawn.

The question that Clause 141 do stand part of the Bill was put and carried.

Clause 141 was added to the Bill.

Clauses 142 to 146.

The question that clauses 142 to 146 do stand part of the Bill was put and carried.

Clauses 142 to 146 were added to the Bill.

Clause 147.

MR. R. SIVARAMAKRISHNA AIYAR: I move:

The following shall be inserted as sub-clauses (2), (3), (4) and (5) of Clause 147 after renumbering it as 147 (1).

"(2) Notwithstanding anything contained in sub-section (1) it shall be lawful for Our Government to provide any public street with a lighting system and either work it through their own officers or hand it over to the council for being worked."

"(3) If it is worked by Our Government through their officers an annual contribution of such amount as may be fixed by Our Government after ascertaining the views of the council, shall be paid by the council to Our Government."

"(4) If it is handed over to the council it shall be so done on such terms as may be settled by Our Government and the council."

"(5) Notwithstanding anything contained in sub-section (1) to (4) it shall be lawful for two or more municipal councils with the sanction of and on such terms as may be approved by Our Government, to provide for any electric lighting system and maintain it jointly."

These sections were drawn on the model of the provisions in the City Corporation Act.

PRESIDENT: I think this is a useful provisoion and I do not think that anybody will object to it.

MR. PUTHUPALLI S. KRISHNA PILLAI: I am prepared to accept the amendment provided the House will accept it.

The amendment was put to vote and declared carried.

The question that Clause 147 as amended do stand part of the Bill was put and carried.

Clause 147, as amended, was added to the Bill.

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Clauses 148 to 158.

The question that Clauses 148 to 158 do stand part of the Bill was put and carried.

Clauses 148 to 158 were added to the Bill.

Clause 159.

MR. R. SIVARAMAKRISHNA AIYAR:

"I move that in Clause 159, for the word "Chairman", the word "Executive authority" shall be substituted.

MR. PUTHUPALLI S. KRISHNA PILLAI: It is a printing mistake and the amendment may be adopted.

The amendment was put to vote and carried.

The question that Clause 159, as amended, do stand part of the Bill was put and carried.

Clause 159, as amended, was added to the Bill.

Clauses 160 to 323.

The question that Clauses 160 to 323 do stand part of the Bill was put and carried.

Clauses 160 to 323 were added to the Bill.

Clause 324.

MR. R. SIVARAMAKRISHNA AIYAR: I move that in Clause 324 sub-clause (c), for the word and figures "Section 305" the word and figures "Section 323" shall be substituted.

MR. PUTHUPALLI S. KRISHNA PILLAI: That is also a printing mistake, and the amendment may be adopted.

The amendment was put to vote and carried.

The question that Clause 324, as amended, do stand part of the Bill, was put and carried.

Clause 324, as amended, was added to the Bill.

Clauses 325 to 393.

The question that clauses 325 to 393 do stand part of the Bill was put and carried.

Clauses 325 to 393 were added to the Bill.

Schedule I.

MR. R. SIVARAMAKRISHNA AIYAR: Sir, instead of amendment No. 47, I may be allowed to move another amendment, notice of which has been given by me. I move that in Schedule I, rule 9, for the words "the said minutes shall at all reasonable times and without charge, be open at the Municipal Office to the inspection of" the following words shall be substituted:—

"Copies of the said minutes shall be given on payment of such fees as may be fixed by Council to any person who pays tax under this Act to the Municipality."

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It is provided in the Bill that any tax-payer can inspect the minutes book. It is a very important document and if all the tax-payers are allowed to have access to it, I have got my own apprehension that it may be tampered with by some irresponsible tax-payer. Also, it will give a lot of trouble to the office. One man will have to be posted to be in charge of it when it is being looked into by the tax payers.

PRESIDENT: Does it happen now?

MR. PUTHUPALLI S. KRISHNA PILLAI: At present the tax payer has no such right.

MR. R. SIVARAMAKRISHNA AIYAR: The tax-payer should be given the privilege of getting that record. So on payment of such fees as may be prescribed by this Act, he may be given copies. Further they are not confidential as the proceedings will be published in the Gazette. So, I move the amendment for the acceptance of the House.

MR. PUTHUPALLI S. KRISHNA PILLAI: I am prepared to accept the amendment.

The amendment was put to vote and declared carried.

MR. R. SIVARAMAKRISHNA AIYAR: Sir, I move that in Schedule I, rule 10, for the word "three" in the first line, the word "seven" shall be substituted, and the words "in English and" in the fourth line shall be deleted.

MR. PUTHUPALLI S. KRISHNA PILLAI: The present rule provides that a copy of the proceedings of every meeting shall be forwarded to the Chief Secretary to Government within three days. The member is of opinion that the time must be raised to seven days. I have no objection to accept the amendment.

The amendment was put to vote and declared carried.

The question that Schedule I as amended do stand part of the Bill was put and carried.

Schedule I, as amended, was added to the Bill.

Schedule II.

MR. P. N. NILAKANTA PILLAI: I move the following amendment:

In Schedule II Rule 16 sub-rule (1), the following proviso shall be inserted after the Table, namely :—

> "Provided that a Company whose half yearly income is more than twenty-one thousand rupees shall, notwithstanding anything contained in this or any other rule, pay in addition to the maximum half-yearly tax of rupees two hundred and seventy-five an additional half-yearly tax on such excess calculated at the rate of one rupee per one hundred rupees or part thereof."

There is no limitation made in the existing Act but according to the Bill a restriction is imposed on the Municipal Council in realising professional tax from firms which get more than a half-yearly income of Rs. 21,000. If this provision is allowed to be retained that may cause hardship to the Municipality in realising its revenue. There is no hardship to the company if it is proportionately taxed.

MR. R. SIVARAMAKRISHNA AIYAR: Sir, in strongly supporting the amendment of Mr. Nilakanta Pillai I would suggest that in that case also a graded system of tax may be introduced.

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The amendment was put to vote and declared carried.

MR. R. SIVARAMAKRISHNA AIYAR: I move:

In Schedule II, rule 43 (*c*), for the words "industrial exhibitions" the words "agricultural, industrail and health exhibitions" shall be substituted.

The amendment was put to vote and declared carried.

MR. R. SIVARAMAKRISHNA AIYAR: I move:

"In schedule II, rule 43 (*g*) after the words "poor houses," the words "orphanages, homes or settlements for beggars", shall be inserted.

The amendment was put to vote and declared carried.

MR. R. SIVARAMAKRISHNA AIYAR: I move:

In Schedule II, rule 43 (*k*), after the word "music" the words "and radio receiving sets" shall be inserted.

The amendment was put to vote and carried.

MR. R. SIVARAMAKRISHNA AIYAR: I move:

"In Schedule II, rule 43 (*m*), the words "and of maternity and child welfare centres; and the provision and organisation of clean-up campaigns and of health propaganda work within the town" shall be inserted.

The amendment was put to vote and carried.

MR. R. SIVARAMAKRISHNA AIYAR: I move the following amendment:

The following shall be inserted as rule 43 (o) in Schedule II:—

"(*o*) the provision and organisation of adult literacy campaigns and of effective municipal propaganda work."

It is highly essential that in all Municipal towns people ought to be educated about the usefulness of Municipal towns. Therefore I move this amendment.

MR. P. N. NILAKANTA PILLAI: I second it.

MR. PUTHUPALLI S. KRISHNA PILLAI: I do not find any objection to accept the amendment.

The amendment was put to vote and declared carried.

MR. R. SIVARAMAKRISHNA AIYAR: I move the following amendment:

In Schedule II, rule 49, after the words "of school going age" the following words "between the ages 5 1/2 and 10 1/2" shall be inserted.

No age-limit is given in the clause. If we are going to introduce compulsion we must have some age-limit.

MR. P. N. NILAKANTA PILLAI: I second it.

The amendment was put to vote and declared carried.

MR. R. SIVARAMAKRISHNA AIYAR: I move the following amendments:

In Schedule II, rule 51, for the words "or partly free for any class of the inhabitants which in the opinion of the council, is by reason of poverty unable to pay the fees leviable in schools maintained by the council whether wholly from the municipal fund or by grants-in-aid therefrom" the words "free for all classes of the inhabitants" shall be substituted.

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In Schedule II, rule 53 (1) for the words "or in the case of primary schools" the words "or in the case of schools other than primary schools" shall be substituted, and for the words "in every school" in the third line, the words "in every school other than a primary school" shall be substituted

Proviso (1) to clause (1) of rule 53 in Schedule II shall be deleted and in proviso (2) to clause (1) of the same rule for the words "Provided further that the council may, in the case of schools other than primary schools" the following words shall be substituted "Provided that the council may in such schools".

In the whole State no fees are now levied in primary standards. I do not think that it is advisable hereafter to levy fees in primary schools. Hence these amendments.

MR. P. N. NILAKANTA PILLAI: I second the motion.

The amendments were put to vote and declared carried.

MR. R. SIVARAMAKRISHNA AIYAR: I move the following amendment:

"In clause (1) of rule 55 in Schedule II the words "or of any municipal conference in the State," shall be inserted at the end.

There is no provision for expenditure on conferences. That is very necessary.

MR. PUTHUPALLI S. KRISHNA PILLAI: I have no objection to the amendment.

The amendment was put to vote and declared carried.

The question that Schedule II as amended stand part of the Bill was then put and carried. The schedule was added to the Bill.

Schedules III and IV.

The question that Schedules III and IV stand part of the Bill was then put and carried. The Schedules were added to the Bill.

Schedule V.

MR. PUTHUPALLI S. KRISHNA PILLAI: The following new items may be inserted between Sections 170 and 177 in Schedule V:—

"171—Commit nuisance in public streets—Ten Rupees."

This Schedule cannot be amended except through the Legislature, so I am moving this amendment.

MR. C. S. LAKSHMANAN PILLAI: I second it.

The amendment was put to vote and declared carried.

The question that Schedule V as amended stand part of the Bill was then put and carried.

Schedule V was added to the Bill.

Schedule VI.

The question that Schedule VI stand part of the Bill was then put and carried.

Title and Preamble.

The question that the Title and Preamble stand part of the Bill was then put and carried.

The Title and Preamble were added to the Bill.

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MR. PUTHUPALLI S. KRISHNA PILLAI: I move that in line 1 of Clause 1 (1) after the words "Travancore District Municipalities Act," the figures "1116" be added.

MR. C. S. LAKSHMANAN PILLAI: I second it.

The motion was put to vote and declared carried.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I move that the District Municipalities Bill as amended be passed.

The motion was put to vote and declared carried.

PRESIDENT: I may congratulate this House on the expedition with which this Bill has been passed. I especially extend my congratulation to the nominated member who has done extremely useful work.

MR. SIVARAMAKRISHNA AIYAR: I deem it a great privilege to have been co-opted as a member of this House and I take this opportunity of expressing my feelings of loyalty and gratitude to the Government of His Highness the Maharaja. I also thank the honourable members of this House for having co-operated with me and accepted most of my amendments.

MR. P. N. NILAKANTA PILLAI: Sir, I just want to say one word. I join with the sentiments expressed by Mr. Sivaramakrishna Aiyar and thank the Government for having co-opted me.

PRESIDENT: The Session is prorogued.

The House rose at 2-41 P. M.

A. GUNAMONY,
Secretary, Sri Mulam Assembly.

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